GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:2985
ANSWERED ON:20.03.2017
Acquisition of Tribal Land
Ranjan (Pappu Yadav) Shri Rajesh;Ranjan Smt. Ranjeet;Udasi Shri Shivkumar Chanabasappa

Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) whether the Government has amended/proposes to amend the Forest Rights Act, 2006 so as to allow mining on forest land also and if so, the details thereof;

(b) whether the tribal land has been acquired for mining, industrialisation and non-agricultural purposes during the last three years and the current year and if so, the details thereof, State/UT-wise;

(c) whether the Government has assessed the impact on tribal communities due to such acquisition of tribal land in the country; and

(d) if so, the preventive measures taken/being taken by the Government to prevent diversion of tribal land for industrialisation/mining and other development projects?

Answer

MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS
(SHRI JASWANTSINH BHABHOR)

(a) No Madam, the Ministry of Tribal Affairs has not amended or proposed to amend the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA in short) so as to allow mining on forest land.

(b) & (c) Department of Land Resources (DOLR), Ministry of Rural Development is the nodal Ministry dealing with land acquisition matters. Land and its management fall under the exclusive legislative and administrative jurisdiction of states as provided under the Constitution of India (Seventh Schedule − List ii (State List) − Entry No.(18). Therefore, State wise details are not maintained centrally. DoLR is responsible for collecting data regarding land acquisition and displacement covering ST families also.

(d) As per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLRR) Act, 2013, as far as possible, no land is to be acquired in the scheduled area except as last resort. In case acquisition or alienation of any land in the Scheduled Areas, the prior consent of Gram Sabha or the Panchayat or the Autonomous District Councils, at the appropriate level in the Scheduled Area in the Fifth Schedule to the Constitution, as the case may be, are required to be obtained, in all cases of land acquisition in such areas, including acquisition in case of urgency.

As per Section 48 of the RFCTLRR Act, 2013 a National Monitoring Committee has been constituted to review and monitor the implementation of Rehabilitation and Resettlement schemes or plans related to land acquisition under the RFCTLARR Act, 2013 and National Rehabilitation & Resettlement Policy (NRRP), 2007. This is envisaged to cover all forest dwellers and tribals.

The Act also lays down procedure and manner of rehabilitation and resettlement (R&R) wherein R&R is an integral part of the land acquisition plan itself. National Monitoring Committee also reviews and monitors the implementation of R &R schemes and looks into issue related to displacement of people and timely payment of Compensation.

The FRA also safeguards Scheduled Tribes and Other Traditional Forest Dwellers from their eviction or removal from forest land. The Section 4 (5) of FRA provides that "Save as otherwise provided, no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete".

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